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April 8, 2011

***Via ECF and Federal Express***

Honorable Faith S. Hochberg, U.S.D.J.  
U.S.P.O. & Courthouse Building  
50 Walnut Street  
Newark, New Jersey 07102

**Re: *Teamsters-Employers Local 945 Pension Fund, et al. v.***  
***Waste Management of New Jersey, Inc.***  
**Civil Case No. 11-cv-00902 (FSH) (PS)**

Dear Judge Hochberg:

This firm, together with Schulte Roth & Zabel LLP, represents Plaintiffs, Teamsters-Employers Local 945 Pension Fund and its Trustees in the above-referenced action (the "Action"). We write to update the Court on the status of the arbitration proceeding between the parties, which is the subject of the Action.

In Plaintiffs' complaint in the Action (the "Complaint"), Plaintiffs ask the Court: (1) to render a declaratory judgment that Defendant, Waste Management of New Jersey, Inc. ("Waste Management") has no right to assert its claims or defenses in the arbitration it commenced with the American Arbitration Association (the "Arbitration") because it failed to timely initiate the Arbitration as required by the Employee Retirement Income Security Act of 1974, *as amended* ("ERISA"), the regulations promulgated under ERISA and the Multiemployer Pension Plan Arbitration Rules for Withdrawal Liability Disputes of the American Arbitration Association; and (2) to stay or enjoin the Arbitration until there is a final declaration of rights and obligations by this Court. On March 11, 2011, Waste Management filed a motion to dismiss the Complaint (the "Motion to Dismiss"). On April 4, 2011, Plaintiffs filed an opposition to the Motion to Dismiss and a cross-motion seeking a stay of the Arbitration (the "Cross-Motion"). Waste Management's papers in reply to Plaintiffs' opposition to the Motion to Dismiss and in response to the Cross-Motion are due on April 11, 2011.

On April 7, 2011, counsel for the parties participated in a conference call with Arbitrator Lawrence Katz, who is presiding over the Arbitration. During the call, Arbitrator Katz set a schedule for initial discovery, under which the parties are to exchange written document requests by April 28, 2011 and to exchange responses to the document requests by May 31, 2011.

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Arbitrator Katz communicated his desire to proceed with the Arbitration notwithstanding the pendency of the Action, but indicated that he understood that the foregoing schedule was subject to any action that the Court may take on the Motion to Dismiss and/or the Cross-Motion.

Thank you for your attention to and consideration of this matter.

Respectfully submitted,

CARELLA, BYRNE, CECCHI,  
OLSTEIN, BRODY & AGNELLO

*/s/ John M. Agnello*

JOHN M. AGNELLO

JMA

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